

JOURNAL OF THE HOUSE.

Wednesday, October 24, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, we depend upon You and Your always-available assistance in our daily effort to cope with the stress of our daily routine and the many demands which are made upon our energies, creativity and time. In evaluating legislative proposals and constituent expectations, inspire us to develop, as a society, a shared common vision. May this new reality serve, in a beneficial manner, society and our neighborhoods. In Your goodness, teach us to make our communities and neighborhoods stable, peaceful and prosperous with job opportunities for all in this new era of technology and information.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Supplemental Appropriation Bill Returned with Recommendation of Amendment.

Supplemental Appropriation Bill, amendment.

A message from His Excellency the Governor returning with recommendation of amendment Section 33 contained in the engrossed Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 4282] (for message, see House, No. 4317) was filed in the office of the Clerk on Friday, October 19.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the amendment was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Governor, the subject-matter (printed as House, No. 4318) was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Appointment to the Life Sciences Talent Initiative.

Life Sciences Talent Initiative.

The Speaker announced that he had appointed Representative Rodrigues of Westport to the Massachusetts Life Sciences Initiative (LSTI), sponsored by the Life Sciences Center, the University of Massachusetts and the Massachusetts Biotechnology Council, for

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the purpose of developing a collaborative statewide strategy among business, government and higher education to ensure that the state's talent needs in the life sciences are met.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Fallon of Malden, petition (accompanied by bill, House, No. 4321) of Christopher G. Fallon (with the approval of the mayor and board of aldermen) for legislation to make certain adjustments in the pension payable to Joseph Annello, a retired fire fighter of the city of Malden; and

Malden, Joseph Annello.

By Mr. Kocot of Northampton, petition (accompanied by bill, House, No. 4323) of Peter V. Kocot and Stanley C. Rosenberg (with the approval of the mayor and city council) that the city of Northampton be authorized to grant certain creditable service to Duane Robinson for retirement purposes;

Northampton, Duane Robinson.

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Coakley-Rivera of Springfield and Senator Spilka, joint petition (subject to Joint Rule 12) of Cheryl A. Coakley-Rivera and Karen E. Spilka for legislation to authorize the Department of Social Services to maintain certain information for the protection of children in compliance with the federal "Adam Walsh and Safety Act".

Children, Adam Walsh Act.

By the same members, joint petition (subject to Joint Rule 12) of Cheryl A. Coakley-Rivera and Karen E. Spilka relative to compliance by the Commonwealth with federal regulations for child and family services and the placement of foster children.

Foster children, placement.

By Mr. Costello of Newburyport (by request), petition (subject to Joint Rule 12) of James Thivierge relative to the taxes imposed on purchases of meals, cigarettes and alcoholic beverages.

Taxes, reductions.

By the same member (by request), petition (subject to Joint Rule 12) of James Thivierge that cities and towns be required to estimate infrastructure costs in development areas of such municipalities.

Developments, infrastructure costs.

By the same member (by request), petition (subject to Joint Rule 12) of James Thivierge for legislation to require cities to file annual reports with the State Library concerning animals.

Cities, animal reports.

By the same member (by request), petition (subject to Joint Rule 12) of James Thivierge relative to the use of overlay reserves by the cities and towns of the Commonwealth.

Municipalities, overlay reserves.

By the same member (by request), petition (subject to Joint Rule 12) of James Thivierge for legislation to authorize cities and towns to issue property tax and water bills monthly.

Property tax, monthly billings.

By the same member (by request), petition (subject to Joint Rule 12) of James Thivierge relative to ballots and the conducting of elections.

Elections.

By Mr. Murphy of Burlington, petition (subject to Joint Rule 12) of Charles A. Murphy relative to state assistance for cities and towns providing education for students of military families living on bases in the Commonwealth.

Military families, students.

Restaurants,
food servings.

Toxic
chemicals,
exposure.

Striped bass,
spearing.

By Ms. Spiliotis of Peabody (by request), petition (subject to Joint Rule 12) of George E. Smith relative to the serving of food in restaurants and by innholders.

By the same member (by request), petition (subject to Joint Rule 12) of Carole A. Valente relative to the failure of employers to provide protection to employees in the workplace and causes of action arising from exposure to toxic chemicals in such workplaces.

By Mr. Walsh of Boston (by request), petition (subject to Joint Rule 12) of Robert Clavin for legislation to authorize the taking of striped bass by spearing.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Water
infrastructure
finance
commission.

A Bill relative to establishing a water infrastructure finance commission (Senate, No. 2292, amended in section 2, in line 4, by striking out the following: “terms of 2 years, including” and inserting in place thereof the following: “until the completion of a long-range infrastructure finance plan, including 9 members to be appointed by the governor, 2 members to be appointed by the president of the senate, 2 members to be appointed by the speaker of the house, 1 member to be appointed by the minority leader of the senate and 1 member to be appointed by the minority leader of the house” (as changed by the Senate committee on Bills in the Third Reading), in lines 14 to 17, inclusive, by striking out the following: “3 members who shall reside in different geographic regions of the Commonwealth, to be appointed by the president of the senate and 3 members who shall reside in different geographic regions of the Commonwealth, to be appointed by the speaker of the House of Representatives” and inserting in place thereof the following: “The 2 members to be appointed by the president of the senate shall each reside in a different geographic region of the commonwealth and shall include 1 senator, and 1 representative of a planning, environmental, consumer or other public interest organization. The 2 members to be appointed by the speaker of the house of representatives shall each reside in a different geographic region of the commonwealth and shall include 1 representative, and 1 representative of a planning, environmental, consumer or other public interest organization. The members appointed by the minority leader of the senate and the minority leader of the house shall be representatives of the business community.” (as changed by the Senate committee on Bills in the Third Reading) and, in line 21, by inserting after the word “finance.” the following sentence: “At least 1 member of the Commission shall have expertise in organizational finance.”; in section 3, in line 35, after the words “storm water” by inserting the words “water conservation”, in line 40, after the word “sustaining” by inserting the word “, integrating”; and in section 6, in line 74, by striking out the following: “December 31 of the year” and inserting in place thereof the following: “2 years”) (on Senate, No. 543 and House, No. 855), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

A Bill relative to the annual observance of Leopoldville Disaster Remembrance Day (Senate, No. 1873) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Leopoldville
Disaster
Remembrance
Day.

A report of the Senate committee on Ways and Means, asking to be discharged from further consideration of the Senate Bill relative to unionized employees (Senate, No. 1443), and recommending that the same be referred to the committee on Financial Services, accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the reference.

Unionized
employees.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2381) of Steven A. Tolman for legislation to further regulate the granting of temporary licenses for the sale of wine at certain auctions. To the committee on Consumer Protection and Professional Licensure.

Wine sales,
temporary
licenses.

Petition (accompanied by bill, Senate, No. 2379) of Robert A. O’Leary, Matthew C. Patrick and Sarah K. Peake for legislation relative to water protection. To the committee on Environment, Natural Resources and Agriculture.

Water
protection.

Petition (accompanied by bill, Senate, No. 2380) of Mark C. Montigny, C. Samuel Sutter, Robert M. Koczera, James E. Timilty and other members of the General Court for legislation to amend the dangerousness statute. To the committee on the Judiciary.

Dangerousness
statute.

Petition (accompanied by bill, Senate, No. 2378) of Robert A. Havern for legislation relative to Susan B. Carpenter. To the committee on Public Service.

Susan B.
Carpenter.

Reports of Committees.

By Mr. Smizik of Brookline, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2309; striking out the emergency preamble and inserting the following emergency preamble:

Tidelands,
licensing require-
ments.

“Whereas, The deferred operation of this act would defeat its purpose, which is to authorize a regulatory exemption for certain landlocked tidelands from license requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience”; and striking out the title and inserting in place thereof the following title: “An Act regarding the licensing requirements for landlocked filled tideland.” of the House Bill relative to the licensing requirements for certain tidelands (House, No. 4184), reports a Bill relative to the licensing requirements for certain tidelands (House, No. 4324). Placed in the Orders of the Day for the next sitting, the question being on acceptance.

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1287) of

Mental
health
facilities.

Mental
health
facilities.

Thomas M. Stanley and others relative to the consolidation of certain mental health facilities for the purpose of creating surplus land,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Insurance
policies,
fraud.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, asking to be discharged from further consideration of the Bill relative to preventing fraud (House, No. 939),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

Lynda Graham-
Meho,
sick leave.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Lynda Graham-Meho, an employee of the Department of Public Health (House, No. 4304). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

Health Care
Financing,
study.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, Nos. 1123, 1125, 1132, 1133, 1136, 1146, 1168 and 2455, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health insurance funds and benefits (House, No. 4319).

Transportation,
study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 2981, 3423, 3463, 3464, 3482, 3483, 3492, 3526, 3528, 3540, 3554, 3560, 3561, 3562, 3568, 3569, 3570, 3571, 3572, 3611, 3613, 3614, 3625, 3626, 3686, 3829, 3830, 3996 and 3997, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning the Massachusetts Turnpike Authority and the Massachusetts Port Authority (House, No. 4320).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Essex National
Heritage
Commission.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the Essex National Heritage Commission (House, No. 3399). Read; and referred, under Rule 33, to the committee on Ways and Means.

Everett,

By Mr. Bradley of Hingham, for the committee on Election Laws, on a petition, a Bill relative to election in the city of Everett (House, No. 4097) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

elections.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to establishing the Commonwealth Corps (Senate, No. 2301, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4322. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Commonwealth
Corps.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a petition, a Bill providing for recall elections in the town of Colrain (House, No. 4013) [Local Approval Received].

Colrain,
recall
elections.

By the same member, for the same committee, on a petition, a Bill relative to referendum provisions in the town of Lexington (House, No. 4260) [Local Approval Received].

Lexington,
referendums.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

- Senate bills
- Requiring adequate discharge planning for nursing home residents (Senate, No. 410); and
- Further regulating certain appliances (Senate, No. 1964); and
- House bills
- Relative to the agreement among states to elect the President by national popular vote (House, No. 678);
- Relative to eligibility for cooperative housing corporations (House, No. 1224);
- Relative to property tax classification in cities and towns (House, No. 3119, changed);
- Further protecting children (House, No. 3870);
- Making technical corrections to Chapter one hundred ninety-six of the Acts of two thousand and six concerning certain civil service positions in the city of Worcester (House, No. 3981) [Local Approval Received];
- Amending the charter of the town of Chelmsford (House, No. 4007) [Local Approval Received];
- Authorizing the town of Cohasset water department to provide water services to other cities, towns, and water companies (House, No. 4014) [Local Approval Received];

Discharge
planning.

Appliances.

U. S. President.

Housing
corporations.

Property
taxes.

Children.
Worcester.

Chelmsford.

Cohasset.

Provincetown.

Wellfleet. Authorizing the town of Provincetown to grant a certain easement (House, No. 4015) [Local Approval Received];

Provincetown. Relative to the issuance of certain bonds by the town of Wellfleet (House, No. 4036) [Local Approval Received];

Oak Bluffs. Relative to the affordable housing trust fund in the town of Provincetown (House, No. 4037); [Local Approval Received];

Whitman. Relative to a certain reserve fund in the town of Oak Bluffs (House, No. 4041) [Local Approval Received];

Whitman. Relative to the membership of the board of public works in the town of Whitman (House, No. 4044) [Local Approval Received];

Nantucket. Relative to the board of public works in the town of Whitman (House, No. 4045) [Local Approval Received];

Marlborough. To amend Chapter 434 of the Acts of 1975 regarding roads on Nantucket Island (House, No. 4056) [Local Approval Received];

Tewksbury. Relative to the Community Development Authority in the city of Marlborough (House, No. 4132) [Local Approval Received];

North Andover. To authorize the town of Tewksbury to lease land originally conveyed for cemetery and recreation purposes (House, No. 4135) [Local Approval Received];

Tisbury. Relative to the town manager in the town of North Andover (House, No. 4138) [Local Approval Received];

Hingham. Relative to the town of Tisbury (House, No. 4194) [Local Approval Received];

Grafton. Relative to temporary loans and assessment of betterments by the town of Hingham (House, No. 4236) [Local Approval Received];

Harwich. Relative to the Grafton and South Grafton water districts (House, No. 4241);

Eastham. Authorizing the town of Harwich to acquire certain cemetery property (House, No. 4255) [Local Approval Received];

Harwich. Relative to the land acquisition and maintenance fund of the town of Eastham (House, No. 4256) [Local Approval Received];

South Essex Sewer District. Authorizing the town of Harwich to acquire certain real property (House, No. 4257) [Local Approval Received];

Lexington. Relative to the South Essex Sewerage District (House, No. 4258);

Condominium. Relative to notices of town meetings in the town of Lexington (House, No. 4261) [Local Approval Received];

Salem. Relative to the determination of condominium common area interest (House, No. 4268);

xi Authorizing the city of Salem to issue additional liquor licenses for the sale of alcoholic beverages (House, No. 4274) [Local Approval Received];

Authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (House, No. 4275) [Local Approval Received]; and

Foxborough. Authorizing the town of Foxborough to grant three additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4300) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Veterans, bonus. By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, ought NOT to pass, on the petition (accompanied by

bill, House, No. 3705) of William Lantigua for legislation to provide for a bonus for veterans of Operation Enduring Freedom. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question, being on acceptance.

Emergency Measure.

The engrossed Bill authorizing the conveyances of certain easements in the towns of Lynnfield, Saugus and Wakefield to the Tennessee Gas Pipeline Company (see Senate, No. 2211, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

DCAMM,
Tennessee Gas
Pipeline
easements.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Lori Silva, an employee of the Trial Court (see Senate, No. 2351) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill exempting the positions of fire chief and deputy fire chief in the town of Hudson from the civil service law (see House, No. 3957) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

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Recess.

At eleven minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock P.M.; and at eight minutes after two o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Deborah Gosselin, an employee of the Department of Social Services (see House, No. 4272, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Deborah
Gosselin,
sick leave.

Bill
enacted.

Order.

Next
sitting.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At ten minutes after two o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.